

## **Remarks/Arguments**

### **The Claims**

Claims 1, 2, 5, 6, 8-11, 13-15 and 18-20 are in the application. Claims 1, 2, 5, 6, 8-11, 13-15 and 18-20 are rejected. No claims are allowed.

Claims 5, 14 and 18 have been cancelled.

Claims 1, 11, and 15 have been amended.

In the Office Action Claims 1, 2, 5, 6, 8-11, 13-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes (US 5818915) in view of Boivin, Pub No. 2003/0092435.

### **Hayes (US 5818915)**

Hayes discloses a recyclable cellular telephone having inner electronics, a frame and a time limited period of use after which the phone is automatically disabled. Upon activation phone numbers are assigned to the cellular phone from a pool of available phone numbers. In Hayes, the phone number is assigned when activated, see Hayes column 14 lines 3-14. In the applicant's invention the phone number can be provided with the activation information before activation. Hayes does not teach a means of activating the cellular phone directly from the non-activated cellular phone. In contrast, the applicant's specification page 5 lines 3-8 recites:

It is another object of the inventive disclosures made herein for the activation system access information to include a telephone number, for the telephone activation information to include a human readable code and for enabling the communication operation to include calling the activation system using the telephone number and entering the human readable code for facilitating receiving the telephone activation

information.

Additionally, the applicant's specification teaches a mobile telephone that is suitable for use in emergencies and special situations as the owner can elect not to activate the phone until it is needed. The applicant's specification page 2 lines 1-4 recites:

Another limitation is that conventional calling plan approaches are not practical for a prospective subscriber who wants a wireless phone solely for emergency situations or for a special-use (e.g., a long driving excursion).

Together with the applicant's specification, page 5 lines 3-8 as recited above teaches a mobile telephone that may be activated directly from the mobile telephone, in addition to the ability to activate the mobile telephone from a point of sale terminal.

Boivin, Pub No. 2003/0092435

Boivin discloses a system and method for automatically activating a recyclable/disposable cellular telephone using a point of sale terminal at a vendor's location and connection to a carrier's database. The system comprises a universal product code or activation card associated with the mobile telephone containing activation information needed to activate the phone and a point of sale terminal equipped to scan the code to obtain activation information.

Boivin does not teach a means of activating the cellular phone by the phone user directly from the non-activated cellular phone without the assistance of the vendor store or point of sale terminal. See Boivin Abstract and Figure 3.

Claim 1 has been amended to recite, among other things:

A wireless telephone, comprising:

on-board circuitry configured to enable a predetermined amount of calling time;

activation system access information wherein said activation system access information is comprised by at least one system-scannable code; and

telephone activation information wherein said telephone activation information is comprised by at least one system-scannable code;

activation system access information; and

telephone activation information embedded in said on-board circuitry, wherein said on-board circuitry is configured for providing said telephone activation information to said activation system in response to said activation system being accessed using said activation system access information, wherein once the wireless telephone is activated it may be used to initiate and receive calls.

Claim 11 has been amended to recite, among other things:

said activation information including a telephone number for activating the phone and a human readable code; wherein the wireless telephone may be activated by calling the telephone number on the wireless phone and entering the human readable code; wherein said on-board circuitry is configured for providing said telephone activation information to said activation system in response to said activation system being accessed from the wireless telephone using said activation system access information; wherein activation system then activates the wireless phone; wherein the wireless phone is suited to emergency situations or special use.

Claim 15 has been amended to recite, among other things:

providing activation system access information including an activation telephone number on at least one of packaging having said on-board circuitry packaged therein, documentation within said packaging, said on-board circuitry and a surface of the wireless telephone by scanning said activation system information from at least one system scannable code;

providing telephone activation information, wherein said telephone activation information includes a human readable code and is at least one of provided on said packaging, provided on said on-board circuitry, provided on a surface of the wireless telephone and embedded in said on-board circuitry ~~by scanning said telephone activation information from at least one system scannable code;~~ and

~~enabling~~ registering communication operation of the wireless telephone in response to said activation system receiving said telephone activation information by at least one of calling the activation telephone number on the mobile telephone and providing the human readable code, scanning at least one system scannable code; and

activating the wireless telephone by the activation system, wherein the wireless telephone is then usable to initiate and receive calls.

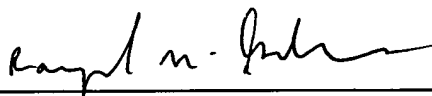
Amended claims 1, 11 and 15 disclose a mobile telephone and method for activate the mobile telephone that is supported in the applicant's disclosure (see references presented above) and is not anticipated by Hayes, Boivin or Hayes in view of Boivin and are believed to be allowable. The remaining claims are dependent claims and depend directly or indirectly from claims 1, 11 and 15 and are therefore also allowable.

As discussed above, claims 1, 11, and 15 and their dependent claims are in condition for allowance. The applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a) of claims 1, 2, 6, 8-11, 13, 15 and 19-20, and the allowance of claims 1, 2, 6, 8-11, 13, 15 and 19-20.

In conclusion, we believe the applicant's claims are in compliance with all relevant statutes, are patentable and are now in condition for allowance. An early and favorable response to this amendment is respectfully requested.

This amendment represents a sincere effort to place this application in condition for allowance. In the event issues remain open, the examiner is invited to call the undersigned to discuss those issues before further action is taken on this application.

Respectfully submitted,



Raymond M. Galasso, Esq. (Reg. No. 37,832)  
Galasso & Associates, L.P.  
P.O. Box 26503  
Austin, Texas 78755-0503  
(512) 306-8533 - phone  
(512) 306-8559 - facsimile